

AMENDED IN SENATE AUGUST 29, 1997

AMENDED IN SENATE JULY 14, 1997

AMENDED IN SENATE JULY 2, 1997

AMENDED IN SENATE JUNE 18, 1997

AMENDED IN ASSEMBLY MAY 13, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 186

Introduced by Assembly Member Brown

January 30, 1997

An act to add Chapter 7 (commencing with Section 119300) to Part 15 of Division 104 of the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Brown. Tattooing, body piercing, and permanent cosmetics.

Existing law provides that it is a crime to tattoo or offer to tattoo a person under the age of 18 years.

Existing law establishes the California Conference of Local Health Officers which consists of all legally appointed local health officers in the state. Expenses for no more than 2 meetings of the conference per year are a charge against the local governmental unit and expenses for attendance at special meetings of the committees of the conference called by the director are a charge against any state funds available for this purpose.

This bill would direct the California Conference of Local Health Officers to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics. The standards would be based, to the extent appropriate, on the Bloodborne Pathogen Standard of the Department of Industrial Relations, modified as necessary for the purpose of protecting consumers from transmission of contagious diseases through cross-contamination of instruments and supplies. The bill would require that the standards be submitted to ~~and adopted by~~ the State Department of Health Services by July 1, 1998, and that the department distribute the standards in written form to all county health departments. The bill would authorize the California Conference of Local Health Officers to periodically review the adopted standards and amend them as necessary. Because the bill would increase the costs of local government by requiring the conference to develop certain standards, the bill would impose a state-mandated local program.

The bill would require practitioners of tattooing, body piercing, and permanent cosmetics to be registered with the county in which they practice, obtain a copy of the department's standards and commit to comply with the standards, provide the county health department with a business address and the address at which the regulated activities are conducted, and pay registration and inspection fees, as specified. The bill would also require county health departments to annually inspect the locations where tattooing, body piercing, and permanent cosmetics are practiced, thus imposing a state-mandated local program. Counties would be permitted to adopt any regulation that is not in conflict with, or is more comprehensive than, these provisions.

In addition, this bill would establish a task force to be chaired by the president of the California Conference of Local Health Officers, with participation by representatives of specified groups. The task force would be formed for the purpose of recommending legislation to regulate these areas, and would be required to report to the Legislature by January 1, 1999.



The bill would provide that these provisions shall not be interpreted to restrict the activities of a licensed physician and surgeon.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would provide that it would become operative only if AB 99 of the 1997–98 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 1998.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7 (commencing with Section
2 119300) is added to Part 15 of Division 104 of the Health
3 and Safety Code, to read:

4

5 CHAPTER 7. TATTOOING, BODY PIERCING, AND
6 PERMANENT COSMETICS

7

8 119300. For purposes of this chapter, the following
9 definitions shall apply:

10 (a) “Tattooing” means to insert pigment under the
11 surface of the skin of a human being, by pricking with a
12 needle or otherwise, to produce an indelible mark or
13 figure visible through the skin.

14 (b) “Body piercing” means the creation of an opening
15 in the body of a human being for the purpose of inserting
16 jewelry or other decoration. This includes, but is not
17 limited to, piercing of an ear, lip, tongue, nose, or
18 eyebrow. “Body piercing” does not, for the purpose of



1 this chapter, include piercing an ear with a disposable,
2 single-use stud or solid needle that is applied using a
3 mechanical device to force the needle or stud through the
4 ear.

5 (c) "Permanent cosmetics" means the application of
6 pigments to or under the skin of a human being for the
7 purpose of permanently changing the color or other
8 appearance of the skin. This includes, but is not limited
9 to, permanent eyeliner, eye shadow, or lip color.

10 (d) "Department" means the State Department of
11 Health Services.

12 119301. The California Conference of Local Health
13 Officers shall establish sterilization, sanitation, and safety
14 standards for persons engaged in the business of
15 tattooing, body piercing, or permanent cosmetics. The
16 department shall provide the necessary resources to
17 support the development of these standards. The
18 California Conference of Local Health Officers shall
19 consult and adopt, to the extent appropriate, the
20 Bloodborne Pathogen Standard (Section 5193 of Title 8 of
21 the California Code of Regulations) of the Department of
22 Industrial Relations, Division of Occupational Safety and
23 Health. The standards shall be directed at establishment
24 and maintenance of sterile conditions and safe disposal of
25 instruments. The standards may be modified as
26 appropriate to protect consumers from transmission of
27 contagious diseases through cross-contamination of
28 instruments and supplies. The standards shall be
29 submitted to the department for review ~~and consultation~~
30 ~~and will be adopted by the department by July 1, 1998.~~
31 ~~The California Conference of Local Health Officers may~~
32 ~~periodically review these standards and amend as~~
33 ~~necessary.~~ *and consultation by July 1, 1998.*

34 119302. Within 30 days after standards are adopted by
35 the department, the department shall distribute those
36 standards in written form to all county health
37 departments.

38 119303. (a) Every person engaged in the business of
39 tattooing, body piercing, or permanent cosmetics shall
40 register by December 31, 1998, with the county health

1 department of the county in which that business is
2 conducted. A registrant shall do all of the following:

3 ~~(a)~~

4 (1) Obtain a copy of the department's standards from
5 the county health department, sign an acknowledgment
6 upon receipt of the standards, and commit to meet the
7 standards.

8 ~~(b)~~

9 (2) Provide the county health department with his or
10 her business address and the address at which the
11 registrant performs any activity regulated by this article.

12 ~~(c)~~

13 (3) Pay a one-time registration fee of twenty-five
14 dollars (\$25), to be paid directly to the county health
15 department.

16 ~~(d)~~

17 (4) Pay an annual inspection fee of one hundred five
18 dollars (\$105) to the county health department.

19 ~~(e)~~

20 (b) This section does not preclude a county from
21 charging an additional amount if necessary to cover the
22 cost of *registration and inspection*.

23 (c) *Fees established by this act shall be used*
24 *exclusively in support of activities pursuant to this*
25 *chapter.*

26 119304. Every county health department shall
27 conduct annual inspections of the locations at which
28 registrants under this article conduct regulated activities.

29 119305. (a) A county may adopt any regulations that
30 do not conflict with, or are more comprehensive than, the
31 provisions of this chapter or with the standards adopted
32 by the department.

33 (b) This chapter does not limit a county's ability to
34 require a registrant to obtain any business license or
35 permit that the county finds appropriate.

36 ~~(e) (1) If a county imposes fees greater than those~~
37 ~~provided for by subdivisions (c) and (d) of Section~~
38 ~~119303, the county shall not collect the fees provided for~~
39 ~~by subdivisions (c) and (d) of Section 119303.~~

40 ~~(2)~~

(c) In those jurisdictions where the local health officer and the environmental health director are in separate departments, the county or city shall have the option to choose the entity responsible for ~~the collection of fees paid pursuant to subdivisions (c) and (d) of Section 119303.~~ *functions pursuant to this subdivision.*

119306. A person who fails to register as provided by Section 119303 or violates the sterilization, sanitation, and safety standards after December 31, 1998, shall be subject to a civil penalty of five hundred dollars (\$500) per violation. This penalty may be collected in an action brought by the prosecuting attorney of any county or city and county in which the violation occurred. All penalties collected shall be retained by the county.

119307. On or after January 1, 1999, any person seeking to engage in the business of tattooing, body piercing, or permanent cosmetics shall comply with the provisions of this chapter.

119308. The president of the California Conference of Local Health Officers shall act as the chairperson of a task force to be formed for the purpose of recommending legislation to the Legislature concerning licensing, training, sanitation, and other subjects deemed necessary to protect the health and welfare of persons seeking the services of practitioners of tattooing, body piercing, and permanent cosmetics. The task force shall be composed of 10 persons to be appointed by the ~~State Director of Health Services~~ *president of the California Conference of Local Health Officers*, and shall include a representative from the State Board of Barbering and Cosmetology, a physician and surgeon licensed in this state, a representative from a nonprofit professional body piercers' association, a representative from a nonprofit professional tattooists' association, a representative from a nonprofit professional permanent cosmetic association, a representative from a nonprofit professional cosmetology association, and a representative from an organization representing the interests of local health departments. The president of the California Conference of Local Health Officers may appoint the remaining three

1 members from any other groups that may, in the
2 judgment of the ~~director~~ *president*, be of assistance. The
3 task force shall present its recommendations to the
4 Legislature by January 1, 1999.

5 119309. This chapter does not restrict the activities of
6 any physician and surgeon licensed under Chapter 5
7 (commencing with Section 2000) of Division 2.

8 SEC. 2. Notwithstanding Section 17610 of the
9 Government Code, if the Commission on State Mandates
10 determines that this act contains costs mandated by the
11 state, reimbursement to local agencies and school
12 districts for those costs shall be made pursuant to Part 7
13 (commencing with Section 17500) of Division 4 of Title
14 2 of the Government Code. If the statewide cost of the
15 claim for reimbursement does not exceed one million
16 dollars (\$1,000,000), reimbursement shall be made from
17 the State Mandates Claims Fund.

18 Notwithstanding Section 17580 of the Government
19 Code, unless otherwise specified, the provisions of this act
20 shall become operative on the same date that the act
21 takes effect pursuant to the California Constitution.

22 SEC. 3. This act shall become operative only if
23 Assembly Bill 99 is also enacted and becomes effective on
24 or before January 1, 1998.

